

## ARTICLE 20 VOTE/CODE ENFORCEMENT

Submitted by Paul Schlichtman

*To see if the town will vote to grant enforcement power to a Code Enforcement Officer, in the Department of Planning & Community Development, for the purpose of enforcing provisions of the Town Bylaws and Zoning Bylaws that do not pertain to building standards, or take any action related thereto.*

**Rationale:** During the 2021 Annual Town Meeting, the building inspector said inspectional services focuses on building safety and standards, and does not enforce other town bylaws. Many municipalities, including Fort Worth TX, divide code enforcement into two divisions, one pertaining to building standards and the other focused on quality of life and zoning issues. By designating a Code Enforcement Officer in the Department of Planning & Community Development, unenforced bylaws (such as signs and snow removal) can be enforced. As the building inspector is listed as the enforcement officer in the town bylaws, it is necessary to add this a Code Compliance Officer in the bylaws in order to grant this person the ability to take enforcement action.

**Why should we enforce town bylaws?** As the legislative branch of town government, we spend hours debating details of the town's bylaws. We rely on the executive branch to enforce our bylaws. When the executive branch fails to enforce the bylaws, they are effectively exercising a veto over the actions of Town Meeting.

**Are we creating a new position?** No. Town Meeting doesn't have the power to create a new position. The Town Manager is empowered and charged under the Town Manager Act with creating and dissolving positions and departments. Article 20 gives the executive branch the ability to designate one or more employees of the Department of Planning and Community Development as Code Enforcement Officers, with the power to enforce the bylaws.

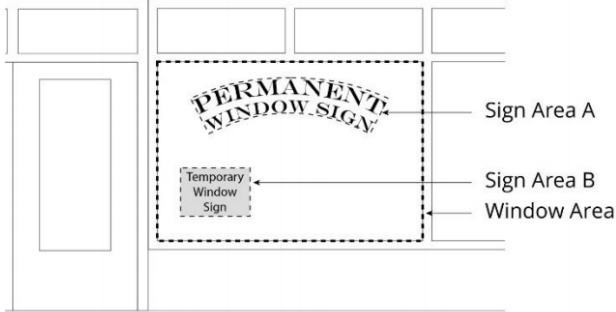
**Is there a budgetary impact?** No. While Town Meeting has the right to amend the proposed budget, Article 20 does not project revenue from fines or any additional town expenditures.

**No action?** The Select Board acknowledged the frustration over the lack of enforcement of the town's bylaws. However, in advocating for no action under Article 20, they have not offered any plan for improving enforcement of the town's bylaws.

**Without enforcement, our bylaws are nothing more than a compendium of municipal suggestions.** Article 20 is a first step toward solving a problem that has been discussed on the floor of Town Meeting for more than a dozen years.

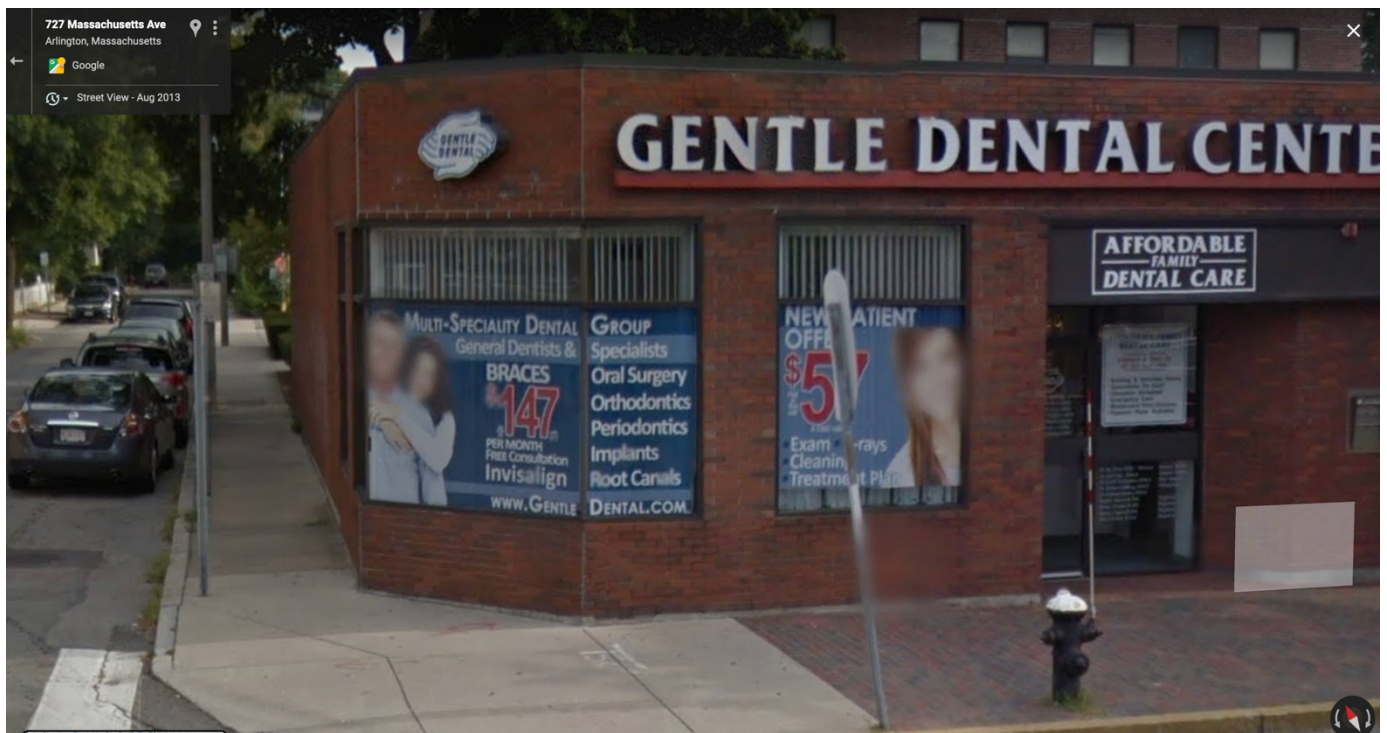
- (11) **Window Sign.** Window signs must comply with the standards provided in the table below.

Window Sign Standards	
Standard	Requirements
Sign Area	Combined area of permanent and temporary window signs must not exceed 25% of the area of the window where they are displayed.
Sign Placement	No higher than 2 <sup>nd</sup> story windows. Inside mounting required.
Illumination	Non-illuminated or externally illuminated only. Neon and single-color LED in some applications. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



Sign Area A + Sign Area B ≤ 25% Window Area

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.



Gentle Dental, 725 Massachusetts Avenue: Google Street View, August 2013





Gentle Dental, 725 Massachusetts Avenue. April 14, 2019



Gentle Dental, 725 Massachusetts Avenue. March 2, 2022





Gentle Dental, 725 Massachusetts Avenue. April 25, 2022





North Union Street near Thompson School, **five days** after storm. **March 2, 2022**

### **Title III – Article 1: Public Ways**

#### **Section 24. Snow Removal - Residences**

The owner or occupant of any residentially zoned land abutting a paved sidewalk in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and **within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk**. Only so much of said sidewalk that shall afford a space wide enough to accommodate the passage of two pedestrians shall be required.

Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to a combination of health and financial duress. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

#### **Section 25. Snow Removal - Apartments / Condominiums**

The owner of any residential property utilized for apartment house or multi unit condominium use that abuts a paved sidewalk in the Town shall cause all snow and ice to be removed from the entire width of such sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and **within the first three hours between sunrise and sunset after such snow and ice have come upon such sidewalk**.

Violations of this section shall be punishable by a fine of \$50 for each day the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

#### **Section 26. Snow Removal – Businesses**

The owner or occupant of any land abutting upon a sidewalk of a public way in this Town, which said property is used for business purposes other than farm business, shall cause all snow and ice to be removed from such sidewalk. Such snow and ice shall be so removed by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and **within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk**.

Violation of this section shall be punishable by a fine of \$50 per day that the snow and ice are not so removed. The Select Board is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.